

## **REMARKS**

### **Claim Status**

Claims 1- 8 remain in the application.

Claims 9- 26 are withdrawn.

Claim 1 has been amended.

### **Claim Rejections- 35 USC § 103**

The Examiner has rejected claims 1-8 under 35 USC 102(e) as being anticipated by WO 01/50121 ('121) in view of Moi et al. (US Pat. No. 5,938,906). Applicants will treat the rejection as one of obviousness under 35 USC 103 since it is admitted that the primary reference does not teach all of the limitations found in claim 1 of the present application.

In his response to the Arguments made by Applicants in their September 27, 2007 Amendment, the Examiner has pointed out that Applicant's argument that the references fail to disclose certain features is incorrect since those features (i.e., the gel cutting to lie in the equilibrating liquid for a sufficient length of time), although disclosed in the specification, are not recited in the rejected claim(s). Applicants have rectified this issue by amending claim 1 to recite that the gel is covered by the equilibrating liquid "over a length of time sufficient to achieve an equilibrium degree of swelling of the gel cutting and thereby to ensure a constant degree of swelling of the gel cutting so that the dimensions of the gel cutting and thereby the physical distribution of the concentration points remains unchanged over time". Support for this language is found at page 11, para. [0036] of the specification.

In view of the amendment incorporating the above limitation, it is submitted that claims 1-8 are not obvious in view of the cited references and are therefore allowable. Such allowance is respectfully requested.

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No further fee is required in connection the filing of this Amendment. If any additional fees are deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Hoffman", written over a horizontal line.

Attorney for Applicant(s)  
Frank Hoffman  
(Reg. No. 26,468)  
340 Kingsland Street  
Nutley, NJ 07110  
Telephone (973) 235-3916  
Telefax: (973) 235-2363

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